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ATTORNEY FOR DEFENDANT JOSEPH DIBEE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JOSEPH DIBEE,**

**Defendant.**

**CR No. 6:06-CR-60011-AA-1  
6:22-cr-00134-AA-1**

**PETITION TO ENTER PLEA  
OF GUILTY, CERTIFICATE  
OF COUNSEL, AND ORDER  
ENTERING PLEA**

The defendant represents to the Court:

1. My name is Joseph Dibee. I am 54 years old. I have an advanced degree.
2. My attorney is Matthew Schindler.
3. My attorney and I have discussed my case fully. I have received copies of the Indictments. I have read the Indictments and I have discussed them with my attorney. My attorney has counseled and advised me concerning the nature of the charge, any lesser-included offenses, and the possible defenses that I might have in this case. I have been advised and understand that the elements of 18 USC § 844(n)

(Count 1 – Oregon Indictment, Count 1 – Eastern District of California) to which I am pleading GUILTY, are as follows:

- First, during the dates in the indictment, there was an agreement between two or more people to commit arson;
- Second, the defendant became a member of the conspiracy knowing of its object and intending to help accomplish it.

I have been advised and understand that the elements of 18 USC §844(i)(2) (Count 6 – Oregon Indictment) to which I am pleading guilty are as follows:

- First, that the defendant damaged or destroyed, or attempted to damage or destroy, any building, vehicle, or other real or personal property;
- Second, that the defendant did so by means of fire or an explosive;
- Third, that the building, vehicle, real or personal property was used in interstate or foreign commerce or in any activity affecting interstate commerce; and
- Fourth, I did this intentionally without a legal justification or excuse.

I have had a full and adequate opportunity to disclose to my attorney all facts known to me that relate to my case. I understand that the Court may ask whether I am satisfied with the advice I have received from my attorney.

4. I know that if I plead GUILTY, I will have to answer any questions that the

judge asks me about the offense(s) to which I am pleading guilty. I also know that if I answer falsely, under oath, and in the presence of my attorney, my answers could be used against me in a prosecution for perjury or false statement.

5. I am not under the influence of alcohol or drugs. I am not suffering from any injury, illness or disability affecting my thinking or my ability to reason except as follows:

none .

I have not taken any drugs or medications within the past seven (7) days except as follows:

none .

6. I understand that conviction of a crime can result in consequences in addition to imprisonment. Such consequences include deportation, or removal from the United States, or denial of naturalization, if I am not a United States citizen; loss of eligibility to receive federal benefits; loss of certain civil rights (which may be temporary or permanent depending on applicable state or federal law), such as the right to vote, to hold public office, and to possess a firearm; and loss of the privilege to engage in certain occupations licensed by the state or federal government.

7. I know that I may plead "NOT GUILTY" to any crime charged against me and that I may persist in that plea if it has already been made. I know that if I plead

"NOT GUILTY" the Constitution guarantees me:

- a. The right to a speedy and public trial by jury, during which I will be presumed to be innocent unless and until I am proven guilty by the government beyond a reasonable doubt and by the unanimous vote of twelve jurors;
- b. The right to have the assistance of an attorney at all stages of the proceedings;
- c. The right to use the power and process of the court to compel the production of evidence, including the attendance of witnesses in my favor;
- d. The right to see, hear, confront, and cross-examine all witnesses called to testify against me;
- e. The right to decide for myself whether to take the witness stand and testify, and if I decide not to take the witness stand, I understand that no inference of guilt may be drawn from this decision; and
- f. The right not to be compelled to incriminate myself.

8. I know that if I plead GUILTY there will be no trial before either a judge or a jury, and that I will not be able to appeal from the Judge's denial of any pretrial motions I may have filed concerning matters or issues not related to the Court's jurisdiction.

9. In this case I am pleading GUILTY under Rule 11(c)(1)(B). My attorney has explained the effect of my plea under Rule 11(c)(1)(B) to be as follows:

The Court is not bound by the recommendations of the parties or of the presentence report (PSR) writer. Because



this agreement is made under Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, defendant may not withdraw any guilty plea or rescind this plea agreement if the Court does not follow the agreements or recommendations of the parties.

10. I know the maximum sentence which can be imposed upon me for the crime(s) to which I am pleading guilty is:

Conspiracy to commit arson (18 USC § 844(n)): The maximum sentence is 20 years' imprisonment, a mandatory minimum sentence of 5 years' imprisonment, a fine of \$250,000, a 3-year period of supervised release, mandatory restitution, and a \$100 fee assessment.

Arson (18 USC §844(i)): The maximum sentence is 20 years' imprisonment, a mandatory minimum sentence of five years' imprisonment, a fine of \$250,000, a 3-year term of supervised release, mandatory restitution, and a \$100 fee assessment.

11. I know that the Judge, in addition to any other penalty, will order a special assessment as provided by law in the amount of \$100 per count of conviction.

12. I know that if I am ordered to pay a fine, and I willfully refuse to pay that fine, I can be returned to Court, where the amount of the unpaid balance owed on the fine can be substantially increased by the Judge and I can be imprisoned for up to one year.

13. My attorney has discussed with me the advisory Federal Sentencing

Guidelines. I know that under the Federal Sentencing Guidelines, the sentencing Judge must first calculate a guideline range. The guidelines are advisory only. The law permits the Judge to depart from the guidelines and impose a sentence either above or below the Guideline range. I know that there is no guarantee that my sentence will be within the Guideline range. If my attorney or any other person has calculated a Guideline range for me, I know that this is only a prediction and that it is the Judge who makes the final decision as to what the Guideline range is and what sentence will be imposed. I understand that the judge must also consider all of the factors in 18 USC §3553 in sentencing me and must impose a sentence no greater than necessary. I also know that a Judge may not impose a sentence greater than the maximum sentence referred to in paragraph (10) above.

14. I know from discussion with my attorney that, under the Federal Sentencing Guidelines, if I am sentenced to prison I am not entitled to parole. I will have to serve the full sentence imposed except for any credit for good behavior that I earn. I can earn credit for good behavior in prison at a rate of up to 54 days for each year of imprisonment served. Credit for good behavior does not apply to a sentence of one year or less.

15. I know that if I am sentenced to prison, the Judge will impose a term of supervised release to follow the prison sentence. During my supervised release term

I will be supervised by a probation officer according to terms and conditions set by the Judge. In my case, a term of supervised release can be up to 3 years. If I violate the conditions of supervised release, I may be sent back to prison.

16. I know that in addition to or in lieu of any other penalty, the Judge can order restitution payments to any victim of any offense to which I plead guilty. I am also informed that, for certain crimes of violence and crimes involving fraud or deceit, it is mandatory that the Judge impose restitution in the full amount of any financial loss or harm caused by my offense. If imposed, the victim can use the order of restitution to obtain a civil judgment lien. A restitution order can be enforced by the United States for up to twenty (20) years from the date of my release from imprisonment, or, if I am not imprisoned, twenty (20) years from the date of the entry of judgment. If I willfully refuse to pay restitution as ordered, a judge may re-sentence me to any sentence which could originally have been imposed.

17. On any fine or restitution in an amount of \$2,500 or more, I know that I will be required to pay interest unless that fine or restitution is paid within fifteen (15) days from the date of the entry of judgment.

18. If I am on probation, parole, or supervised release in any other state or federal case, I know that by pleading guilty in this court my probation, parole or supervised release may be revoked and I may be required to serve time in that case, which may

be consecutive, that is, in addition to any sentence imposed on me in this court.

19. If I have another case pending in any state or federal court, I know that my Petition and Plea Agreement in this case do not, in the absence of an express and written agreement, apply to my other case(s), and that I can be faced with consecutive sentences of imprisonment.

20. My plea of "GUILTY" is based on a Plea Agreement that I have made with the prosecutor dated March 11, 2022. That Plea Agreement is attached and incorporated herein. I have read the Plea Agreement and I understand its terms and conditions.

21. I understand that I cannot rely on any promise or suggestion made to me by a government agent or officer which is not stated in writing, or which is not presented to the Judge in my presence in open court at the time of the entry of my plea of guilty.

22. My plea of "GUILTY" is not the result of force, threat, or intimidation.

23. I hereby request that the Judge accept my plea of "GUILTY" to Count 1 and 6 of the Oregon Indictment and Count 1 of the Eastern District of California Indictment filed against me.

24. I know that the judge must be satisfied that a crime occurred and that I committed that crime before my plea of "GUILTY" can be accepted. With respect



to the charge(s) to which I am pleading guilty, I represent that I did the following acts and that the following facts are true:

Conspiracy to Commit Arson and Arson – Oregon Indictment Count 1 and 6:

During the dates listed in the indictment I agreed with other persons to commit an arson designed to end the processing of horse meat obtained from wild horses slaughtered by the BLM at a facility called Cavel West in the District of Oregon. I poured gasoline into the building and ignited it to start a fire. I acted with the intent to destroy the facility and I knew that it was involved in interstate commerce.

Conspiracy to Commit Arson – Eastern District of California Indictment Count 1:

During the dates listed in the indictment I participated in a conspiracy to commit arson by assisting the co-conspirators who committed the arson. I helped them cross the US and Canadian border illegally. I provided a safe place at my residence in Seattle where plans for the action could take place. I participated in surveillance of the BLM Litchfield Horse facility knowing that others intended to burn a structure. After the arson and destruction of government property, I then travelled back to Oregon with co-conspirators knowing that they had burned a BLM hay barn. I knew that the buildings involved were government buildings.

25. I offer my plea of "GUILTY" freely and voluntarily and of my own accord and with a full understanding of the allegations set forth in the Indictment, and with a full understanding of the statements set forth in this Petition and in the Certificate of my attorney that is attached to this Petition.

SIGNED by me in the presence of my attorney, after reading all of the foregoing pages and paragraphs of this Petition on April 20, 2022.

Joseph Dibee — signed by  
JOSEPH DIBEE counsel with  
Defendant permission

### **CERTIFICATE OF COUNSEL**

The undersigned, as attorney for Joseph Dibee, hereby certifies:

1. I have fully explained to the defendant the allegations contained in the Indictment in this case, any lesser-included offense(s), and the possible defenses which may apply in this case.

2. I have personally examined the attached Petition To Enter Plea of Guilty And Order Entering Plea, explained all its provisions to the defendant, and discussed fully with him all matters described and referred to in the Petition.

3. I have explained to the defendant the maximum penalty and other consequences of entering a plea of guilty described in paragraphs (6)-(20) of the Petition, and I have also explained to him the applicable Federal Sentencing Guidelines.

4. I recommend that the Court accept the defendant's plea of "GUILTY."

SIGNED by me in the presence of the above-named defendant, and after full discussion with the defendant of the contents of the Petition To Enter Plea of Guilty, and any Plea Agreement, on April 20, 2022.



Matthew A. Schindler OSB No. 964190  
Attorney for Joseph Dibee

### **ORDER ENTERING PLEA**

I find that the defendant's plea of GUILTY has been made freely and voluntarily and not out of ignorance, fear, inadvertence, or coercion. I further find the defendant has admitted facts that prove each of the necessary elements of the crime(s) to which the defendant has pled guilty.

IT IS THEREFORE ORDERED that the defendant's plea of GUILTY be accepted and entered as requested in this Petition and as recommended in the Certificate of defendant's attorney.

DATED this 21st day of April, 2022, in open court.

/s/Ann Aiken  
HON. ANN AIKEN  
Judge, U.S. District Court